

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

IN RE: CAPITAL ONE CONSUMER)	MDL No. 1:19-md-02915 (AJT-JFA)
DATA SECURITY BREACH LITIGATION)	
)	
_____)	

This Document Relates to the Consumer Cases

**AMAZON’S MOTION TO EXCLUDE
TESTIMONY OF STUART E. MADNICK**

Defendants Amazon.com, Inc. and Amazon Web Services, Inc. (“Amazon”) hereby provides notice of its motion to exclude the testimony of Plaintiffs’ expert Stuart E. Madnick under Federal Rules of Evidence 403, 702, and *Daubert v. Merrell Dow Pharm, Inc.*, 509 U.S. 579, 595 (1993). Amazon joins Capital One’s Motion to Exclude the Testimony of Stuart E. Madnick regarding issues common to Defendants, and further moves to exclude Madnick’s separate opinions related to his opinions on Amazon’s alleged failure to exercise reasonable care.

The grounds for this Motion are stated in the accompanying Memorandum of Law, Declaration of Rina Plotkin, the pleadings and papers on file in this action, and such matters upon which the Court may take judicial notice, and argument and evidence to be presented at the hearing on this motion.

Wherefore, Amazon respectfully requests that the Court grant the relief set forth in the Proposed Order filed concurrently herewith.

Dated: July 2, 2021

Respectfully submitted,

/s/ Robert R. Vieth

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2021 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

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